

Adopted	Rejected
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COMMITTEE REPORT

YES: 11

NO: 1

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 444, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning drugs
- 3 and controlled substances.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 5-2-15 IS ADDED TO THE INDIANA CODE AS
- 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2005]:
- 9 **Chapter 15. Methamphetamine Lab Reporting and Quarantine**
- 10 **Sec. 1. As used in this chapter, "certified inspector" means a**
- 11 **person certified under IC 13-14-1-15 to inspect and clean property**
- 12 **polluted by a contaminant (as defined in IC 13-11-2-42).**
- 13 **Sec. 2. As used in this chapter, "law enforcement agency" has**
- 14 **the meaning set forth in IC 10-11-8-2.**
- 15 **Sec. 3. As used in this chapter, "methamphetamine laboratory"**
- 16 **means a location or facility that:**

1 (1) is being used;
2 (2) was intended to be used; or
3 (3) has been used;
4 to produce methamphetamine.

5 Sec. 4. A law enforcement agency that terminates the operation
6 of a methamphetamine laboratory shall report the existence and
7 location of the methamphetamine laboratory to:

8 (1) the state police department;
9 (2) the local fire department that serves the area in which the
10 methamphetamine laboratory is located; and
11 (3) the county health department or, if applicable, multiple
12 county health department of the county in which the
13 methamphetamine laboratory is located;

14 on a form and in the manner prescribed by guidelines adopted by
15 the superintendent of the state police department under
16 IC 10-11-2-31.

17 Sec. 5. A law enforcement agency that discovers a child less than
18 fourteen (14) years of age at a methamphetamine laboratory shall
19 notify the division of family and children.

20 Sec. 6. (a) A law enforcement agency that discovers a
21 methamphetamine laboratory may quarantine the property, or
22 part of the property, on which the methamphetamine laboratory
23 is located, if the law enforcement agency believes that the property
24 is polluted by a contaminant (as defined in IC 13-11-2-42).

25 (b) A law enforcement agency that quarantines property under
26 this section shall:

27 (1) post signs declaring that the property has been
28 quarantined; and
29 (2) to the extent possible, notify all parties, including a
30 lienholder, having an interest in the quarantined property.

31 Sec. 7. A person having an interest in property that has been
32 quarantined under section 6 of this chapter may, after notifying the
33 law enforcement agency that quarantined the property, have the
34 property inspected or cleaned by a certified inspector.

35 Sec. 8. A law enforcement agency that has quarantined a
36 property shall remove the quarantine when a certified inspector
37 files a written report with the law enforcement agency:

38 (1) describing the results of the certified inspector's

1 inspection;

2 (2) detailing cleanup undertaken by the certified inspector, if
3 any; and

4 (3) declaring that the property is safe for human use.

5 **Sec. 9. (a)** A person having an interest in property that has been
6 quarantined under section 6 of this chapter may file a petition for
7 an order to remove the quarantine with a circuit or superior court
8 in the county in which the property is located. The person shall
9 serve a copy of the petition on the prosecuting attorney.

10 (b) The court in which a petition is filed under subsection (a)
11 shall conduct a hearing concerning the quarantined property. At
12 the hearing, the person who filed the petition has the burden of
13 proving that the property:

14 (1) was wrongly quarantined; or

15 (2) has been properly cleaned and is safe for human use.

16 (c) If the court finds that the property:

17 (1) was wrongly quarantined; or

18 (2) has been properly cleaned and is safe for human use;

19 the court shall order the quarantine removed.

20 SECTION 2. IC 10-11-2-31 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2005]: **Sec. 31. (a)** The superintendent shall adopt:

23 (1) guidelines; and

24 (2) a reporting form or a specified electronic format, or both;
25 for the report of a methamphetamine laboratory by a law
26 enforcement agency under IC 5-2-15-4.

27 (b) The guidelines adopted under this section must require a law
28 enforcement agency to report the existence of a methamphetamine
29 laboratory to:

30 (1) the department;

31 (2) the local fire department that serves the area in which the
32 methamphetamine laboratory is located; and

33 (3) the county health department or, if applicable, multiple
34 county health department of the county in which the
35 methamphetamine laboratory is located;

36 on the form or in the specified electronic format adopted by the
37 superintendent.

38 (c) The guidelines adopted under this section:

(1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14) that the superintendent determines to be relevant;

(2) may require the department to report the existence of the methamphetamine laboratory to one (1) or more additional agencies or organizations;

(3) must require the department to maintain reports filed under IC 5-2-15-4 in a manner permitting an accurate assessment of:

(A) the number of methamphetamine laboratories located in Indiana in a specified period;

(B) the geographical dispersal of methamphetamine laboratories located in Indiana in a specified period; and

(C) any other information that the superintendent determines to be relevant; and

(4) must require a law enforcement agency to report any other information that the superintendent determines to be relevant.

SECTION 3. IC 10-11-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The superintendent, with input from other law enforcement agencies, may develop and maintain a **meth watch** program to inform retailers about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 4. IC 13-11-2-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 42. "Contaminant", for purposes of environmental management laws, means any solid, semi-solid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect on January 1, 1989), hazardous waste (as defined in the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1989), any constituent of a hazardous waste, or any combination of the items described in this section, from whatever source, that:

(1) is injurious to human health, plant or animal life, or property;

(2) interferes unreasonably with the enjoyment of life or property;

or

(3) otherwise violates:

(A) environmental management laws; or

(B) rules adopted under environmental management laws.

1 **The term includes chemicals used in the illegal manufacture of a**
 2 **controlled substance (as defined in IC 35-48-1-9) or an immediate**
 3 **precursor of a controlled substance, and waste produced from the**
 4 **illegal manufacture of a controlled substance or an immediate**
 5 **precursor of the controlled substance.**

6 SECTION 5. IC 13-14-1-15 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2005]: **Sec. 15. (a) The department shall maintain a list of**
 9 **persons certified to inspect and clean property that is polluted by**
 10 **a contaminant. The list may specifically note persons with**
 11 **particular expertise or experience in the inspection or cleanup of**
 12 **property contaminated by chemicals used in the illegal**
 13 **manufacture of a controlled substance (as defined in IC 35-48-1-9)**
 14 **or by waste produced from the illegal manufacture of a controlled**
 15 **substance.**

16 **(b) The department may specify by rule that a person who meets**
 17 **certain qualifications prescribed by the department is a person**
 18 **certified to inspect and clean property that is polluted by a**
 19 **contaminant.**

20 **(c) The department may adopt rules under IC 4-22-2:**

21 **(1) to implement this section; and**

22 **(2) concerning the inspection and remediation of quarantined**
 23 **property.**

24 SECTION 6. IC 25-26-13-16 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 16. (a) A pharmacist**
 26 **shall exercise his the pharmacist's** professional judgment in the best
 27 interest of the patient's health when engaging in the practice of
 28 pharmacy.

29 **(b) A pharmacist has a duty to honor all prescriptions from a**
 30 **practitioner or from a physician, podiatrist, dentist, or veterinarian**
 31 **licensed under the laws of another state. Before honoring a prescription,**
 32 **the pharmacist shall take reasonable steps to determine whether the**
 33 **prescription has been issued in compliance with the laws of the state**
 34 **where it originated. The pharmacist is immune from criminal**
 35 **prosecution or civil liability if he, the pharmacist, in good faith,**
 36 **refuses to honor a prescription because, in his the pharmacist's**
 37 **professional judgment, the honoring of the prescription would:**

38 **(1) be contrary to law;**

- (2) be against the best interest of the patient;
- (3) aid or abet an addiction or habit; ~~or~~
- (4) be contrary to the health and safety of the patient; **or**
- (5) endanger the safety of a person employed by the pharmacy**
- or a pharmacist intern or pharmacist extern.**

If a pharmacist refuses to honor a prescription under subdivision (2) or (4), the pharmacist shall notify the physician who issued the prescription not more than twenty-four (24) hours after the prescription is presented to the pharmacy.

(c) A pharmacist:

- (1) may refuse to honor a prescription; and**
- (2) is immune from criminal prosecution and civil liability for refusing to honor the prescription;**

if the pharmacist believes in good faith that the person presenting the prescription or the person for whose benefit the prescription is presented is a person who has been convicted of intimidation (as described in IC 35-45-2-1(b)(1)(B)(vi)).

SECTION 7. IC 25-26-13-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18.5. The board may, after a hearing:**

- (1) refuse to issue a renewal of;**
- (2) suspend; or**
- (3) revoke;**

a pharmacy permit if a permittee fails to implement security measures within the time and in the manner designated by the board.

SECTION 8. IC 25-26-17-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. The board shall make available to a law enforcement agency records concerning an Indiana resident's mail order purchase of a drug containing ephedrine or pseudoephedrine from a nonresident pharmacy in accordance with state and federal law.**

SECTION 9. IC 35-33-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1. As used in this chapter, "bail bond" means a bond executed by a person who has been arrested for the commission of an offense, for the purpose of ensuring:**

- 1 (1) the person's appearance at the appropriate legal proceeding;
- 2 (2) another person's physical safety; or
- 3 (3) the safety of the community, **including the safety of the**
- 4 **community as imperiled by the person's pattern of illegal use**
- 5 **or manufacture of a controlled substance.**

6 SECTION 10. IC 35-33-8-3.2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.2. (a) A court may
 8 admit a defendant to bail and impose any of the following conditions
 9 to assure the defendant's appearance at any stage of the legal
 10 proceedings, or, upon a showing of clear and convincing evidence that
 11 the defendant poses a risk of physical danger to another person or the
 12 community, to assure the public's physical safety, **including the**
 13 **public's safety as imperiled by the person's pattern of illegal use or**
 14 **manufacture of a controlled substance:**

- 15 (1) Require the defendant to:
 - 16 (A) execute a bail bond with sufficient solvent sureties;
 - 17 (B) deposit cash or securities in an amount equal to the bail;
 - 18 (C) execute a bond secured by real estate in the county, where
 - 19 thirty-three hundredths (0.33) of the true tax value less
 - 20 encumbrances is at least equal to the amount of the bail; or
 - 21 (D) post a real estate bond.
- 22 (2) Require the defendant to execute a bail bond by depositing
 - 23 cash or securities with the clerk of the court in an amount not less
 - 24 than ten percent (10%) of the bail. If the defendant is convicted,
 - 25 the court may retain all or a part of the cash or securities to pay
 - 26 fines, costs, fees, and restitution, if ordered by the court. A portion
 - 27 of the deposit, not to exceed ten percent (10%) of the monetary
 - 28 value of the deposit or fifty dollars (\$50), whichever is the lesser
 - 29 amount, may be retained as an administrative fee. The clerk shall
 - 30 also retain from the deposit under this subdivision the following:
 - 31 (A) Fines, costs, fees, and restitution as ordered by the court.
 - 32 (B) Publicly paid costs of representation that shall be disposed
 - 33 of in accordance with subsection (b).
 - 34 (C) In the event of the posting of a real estate bond, the bond
 - 35 shall be used only to insure the presence of the defendant at
 - 36 any stage of the legal proceedings, but shall not be foreclosed
 - 37 for the payment of fines, costs, fees, or restitution.

38 The individual posting bail for the defendant or the defendant

admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

(3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.

(4) Require the defendant to refrain from any direct or indirect contact with an individual.

(5) Place the defendant under the reasonable supervision of a probation officer or other appropriate public official.

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

(A) the state presents evidence relevant to a risk by the defendant:

(i) of nonappearance; or

(ii) to the physical safety of the public; and

(B) the court finds by a preponderance of the evidence that the risk exists.

(8) Require the defendant to enroll in a drug treatment program if the court determines that the defendant has a pattern of repeated illegal use or manufacture of a controlled substance.

~~(8)~~ **(9) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community, including the safety of the community as imperiled by the person's pattern of illegal use or manufacture of a controlled substance.**

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental

1 public defender services fund established under IC 33-40-3.

2 (c) For purposes of subsection (b), "disposition" occurs when the
3 indictment or information is dismissed or the defendant is acquitted or
4 convicted of the charges.

5 (d) With the approval of the clerk of the court, the county sheriff
6 may collect the bail posted under this section. The county sheriff shall
7 remit the bail to the clerk of the court by the following business day.

8 (e) When a court imposes a condition of bail described in subsection
9 (a)(4):

- 10 (1) the clerk of the court shall comply with IC 5-2-9; and
- 11 (2) the prosecuting attorney shall file a confidential form
- 12 prescribed or approved by the division of state court
- 13 administration with the clerk.

14 SECTION 11. IC 35-45-2-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who
16 communicates a threat to another person, with the intent:

- 17 (1) that the other person engage in conduct against the other
- 18 person's will;
- 19 (2) that the other person be placed in fear of retaliation for a prior
- 20 lawful act; or
- 21 (3) of causing:

22 (A) a dwelling, a building, or another structure; or

23 (B) a vehicle;

24 to be evacuated;

25 commits intimidation, a Class A misdemeanor.

26 (b) However, the offense is a:

27 (1) Class D felony if:

28 (A) the threat is to commit a forcible felony;

29 (B) the person to whom the threat is communicated:

30 (i) is a law enforcement officer;

31 (ii) is a judge or bailiff of any court;

32 (iii) is a witness (or the spouse or child of a witness) in any
33 pending criminal proceeding against the person making the
34 threat;

35 (iv) is an employee of a school corporation; ~~or~~

36 (v) is a community policing volunteer; ~~or~~

37 **(vi) is an employee of a pharmacy (as defined in**
38 **IC 25-26-13-2), a patron of a pharmacy, or a pharmacist**

1 **intern or pharmacist extern;**

2 (C) the person has a prior unrelated conviction for an offense
3 under this section concerning the same victim; or

4 (D) the threat is communicated using property, including
5 electronic equipment or systems, of a school corporation or
6 other governmental entity; and

7 (2) Class C felony if, while committing it, the person draws or
8 uses a deadly weapon.

9 (c) "Threat" means an expression, by words or action, of an intention
10 to:

11 (1) unlawfully injure the person threatened or another person, or
12 damage property;

13 (2) unlawfully subject a person to physical confinement or
14 restraint;

15 (3) commit a crime;

16 (4) unlawfully withhold official action, or cause such withholding;

17 (5) unlawfully withhold testimony or information with respect to
18 another person's legal claim or defense, except for a reasonable
19 claim for witness fees or expenses;

20 (6) expose the person threatened to hatred, contempt, disgrace, or
21 ridicule;

22 (7) falsely harm the credit or business reputation of the person
23 threatened; or

24 (8) cause the evacuation of a dwelling, a building, another
25 structure, or a vehicle.

26 SECTION 12. IC 35-48-2-12 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The controlled
28 substances listed in this section are included in schedule V.

29 (b) Narcotic drugs containing nonnarcotic active medicinal
30 ingredients. Any compound, mixture, or preparation containing any of
31 the following narcotic drugs, or their salts calculated as the free
32 anhydrous base or alkaloid, in the following quantities, which shall
33 include one **(1)** or more nonnarcotic active medicinal ingredients in
34 sufficient proportion to confer upon the compound, mixture, or
35 preparation, valuable medicinal qualities other than those possessed by
36 the narcotic drug alone:

37 (1) Not more than 200 milligrams of codeine per 100 milliliters or
38 per 100 grams.

- 1 (2) Not more than 100 milligrams of dihydrocodeine per 100
2 milliliters or per 100 grams.
- 3 (3) Not more than 100 milligrams of ethylmorphine per 100
4 milliliters or per 100 grams.
- 5 (4) Not more than 2.5 milligrams of diphenoxylate and not less
6 than 25 micrograms of atropine sulfate per dosage unit.
- 7 (5) Not more than 100 milligrams of opium per 100 milliliters or
8 per 100 grams.
- 9 (6) Not more than 0.5 milligrams of difenoxin (9168), and not less
10 than 25 micrograms of atropine sulfate per dosage unit.
- 11 (c) Buprenorphine (9064).
- 12 **(d) A material, compound, mixture, or preparation that contains**
13 **a quantity of the following substances, pure or adulterated:**
- 14 **(1) Ephedrine.**
- 15 **(2) Pseudoephedrine.**
- 16 **(e) A pharmacy may release a record relating to the purchase of**
17 **a material, compound, mixture, or preparation that contains a**
18 **quantity of ephedrine or pseudoephedrine (pure or adulterated) to**
19 **a law enforcement officer in accordance with state and federal**
20 **health privacy laws.**
- 21 **(f) The Indiana board of pharmacy may adopt rules under**
22 **IC 4-22-2 to implement subsection (e).**
- 23 SECTION 13. IC 35-48-4-14.5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14.5. (a) As used in
25 this section, "chemical reagents or precursors" refers to one (1) or more
26 of the following:
- 27 (1) Ephedrine.
- 28 (2) Pseudoephedrine.
- 29 (3) Phenylpropanolamine.
- 30 (4) The salts, isomers, and salts of isomers of a substance
31 identified in subdivisions (1) through (3).
- 32 (5) Anhydrous ammonia or ammonia solution (as defined in
33 IC 22-11-20-1).
- 34 (6) Organic solvents.
- 35 (7) Hydrochloric acid.
- 36 (8) Lithium metal.
- 37 (9) Sodium metal.
- 38 (10) Ether.

- 1 (11) Sulfuric acid.
- 2 (12) Red phosphorous.
- 3 (13) Iodine.
- 4 (14) Sodium hydroxide (lye).
- 5 (15) Potassium dichromate.
- 6 (16) Sodium dichromate.
- 7 (17) Potassium permanganate.
- 8 (18) Chromium trioxide.
- 9 **(19) Benzyl cyanide.**
- 10 **(20) Phenylacetic acid and its esters or salts.**
- 11 **(21) Piperidine and its salts.**
- 12 **(22) Methylamine and its salts.**
- 13 **(23) Isosafrole.**
- 14 **(24) Safrole.**
- 15 **(25) Piperonal.**
- 16 **(26) Hydriodic acid.**
- 17 **(27) Benzaldehyde.**
- 18 **(28) Nitroethane.**
- 19 **(29) Gamma-butyrolactone.**
- 20 **(30) White phosphorus.**
- 21 **(31) Hypophosphorous acid and its salts.**
- 22 **(32) Acetic anhydride.**
- 23 **(33) Benzyl chloride.**
- 24 **(34) Ammonium nitrate.**
- 25 **(35) Ammonium sulfate.**
- 26 **(36) Hydrogen peroxide.**
- 27 **(37) Thionyl chloride.**
- 28 **(38) Ethyl acetate.**
- 29 **(39) Pseudoephedrine hydrochloride.**

30 (b) A person who possesses more than ten (10) grams of ephedrine,
 31 pseudoephedrine, or phenylpropanolamine, ~~the salts, isomers or salts of~~
 32 ~~isomers of ephedrine; pseudoephedrine or phenylpropanolamine or a~~
 33 ~~combination of any of these substances exceeding ten (10) grams~~ **pure**
 34 **or adulterated**, commits a Class D felony. However, the offense is a
 35 Class C felony if the person possessed:

- 36 (1) a firearm while possessing more ten (10) grams of ephedrine,
 37 pseudoephedrine, or phenylpropanolamine, ~~the salts, isomers or~~
 38 ~~salts of isomers of ephedrine; pseudoephedrine or~~

1 ~~phenylpropanolamine or a combination of any of these substances~~
 2 ~~exceeding ten (10) grams; **pure or adulterated;** or~~
 3 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or
 4 phenylpropanolamine, ~~the salts, isomers or salts of isomers of~~
 5 ~~ephedrine, pseudoephedrine, or phenylpropanolamine; or a~~
 6 ~~combination of any of these substances exceeding ten (10) grams~~
 7 **pure or adulterated,** in, on, or within one thousand (1,000) feet
 8 of:

- 9 (A) school property;
- 10 (B) a public park;
- 11 (C) a family housing complex; or
- 12 (D) a youth program center.

13 (c) A person who possesses anhydrous ammonia or ammonia
 14 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 15 methamphetamine, a schedule II controlled substance under
 16 IC 35-48-2-6, commits a Class D felony. However, the offense is a
 17 Class C felony if the person possessed:

- 18 (1) a firearm while possessing anhydrous ammonia or ammonia
 19 solution (as defined in IC 22-11-20-1) with intent to manufacture
 20 methamphetamine, a schedule II controlled substance under
 21 IC 35-48-2-6; or
- 22 (2) anhydrous ammonia or ammonia solution (as defined in
 23 IC 22-11-20-1) with intent to manufacture methamphetamine, a
 24 schedule II controlled substance under IC 35-48-2-6 in, on, or
 25 within one thousand (1,000) feet of:

- 26 (A) school property;
- 27 (B) a public park;
- 28 (C) a family housing complex; or
- 29 (D) a youth program center.

30 (d) Subsection (b) does not apply to a:

- 31 (1) licensed health care provider, pharmacist, retail distributor,
 32 wholesaler, manufacturer, warehouseman, or common carrier or
 33 an agent of any of these persons if the possession is in the regular
 34 course of lawful business activities; or
- 35 (2) person who possesses more than ten (10) grams of a substance
 36 described in subsection (b) if the substance is possessed under
 37 circumstances consistent with typical medicinal or household use,
 38 including:

- 1 (A) the location in which the substance is stored;
- 2 (B) the possession of the substance in a variety of:
 - 3 (i) strengths;
 - 4 (ii) brands; or
 - 5 (iii) types; or
- 6 (C) the possession of the substance:
 - 7 (i) with different expiration dates; or
 - 8 (ii) in forms used for different purposes.
- 9 (e) A person who possesses two (2) or more chemical reagents or
- 10 precursors with the intent to manufacture:
 - 11 (1) Methcathinone, a schedule I controlled substance under
 - 12 IC 35-48-2-4;
 - 13 (2) Methamphetamine, a schedule II controlled substance under
 - 14 IC 35-48-2-6;
 - 15 (3) Amphetamine, a schedule II controlled substance under
 - 16 IC 35-48-2-6; or
 - 17 (4) Phentermine, a schedule IV controlled substance under
 - 18 IC 35-48-2-10;
- 19 commits a Class D felony.
- 20 (f) An offense under subsection (e) is a Class C felony if the person
- 21 possessed:
 - 22 (1) a firearm while possessing two (2) or more chemical reagents
 - 23 or precursors with intent to manufacture methamphetamine, a
 - 24 schedule II controlled substance under IC 35-48-2-6; or
 - 25 (2) two (2) or more chemical reagents or precursors with intent to
 - 26 manufacture methamphetamine, a schedule II controlled substance
 - 27 under IC 35-48-2-6 in, on, or within one thousand (1,000) feet of:
 - 28 (A) school property;
 - 29 (B) a public park;
 - 30 (C) a family housing complex; or
 - 31 (D) a youth program center.
- 32 (g) A person who sells, transfers, distributes, or furnishes a chemical
- 33 reagent or precursor to another person with knowledge or the intent that
- 34 the recipient will use the chemical reagent or precursors to manufacture
- 35 methamphetamine, methcathinone, amphetamine, or phentermine
- 36 commits unlawful sale of a precursor, a Class D felony."
- 37 Page 1, line 3, delete "This section does not".
- 38 Page 1, delete lines 4 through 16.

- 1 Page 1, line 17, delete "(b)".
 - 2 Page 1, run in lines 3 through 17.
 - 3 Page 2, line 5, delete "seventy-two (72) hours;" and insert "**seven (7)**
 - 4 **days;**".
 - 5 Page 2, line 10, delete "(c)" and insert "**(b)**".
 - 6 Page 2, delete lines 12 through 17.
 - 7 Page 2, line 18, delete "(e)" and insert "**(c)**".
 - 8 Page 2, line 20, delete "(f)" and insert "**(d)**".
 - 9 Page 2, delete lines 23 through 42.
 - 10 Page 3, delete lines 1 through 9.
 - 11 Page 3, line 10, delete "(ii)", begin a new line block indented and
 - 12 insert:
 - 13 "**(1)**".
 - 14 Page 3, delete lines 13 through 15.
 - 15 Page 3, line 16, delete "(iv)", begin a new line block indented and
 - 16 insert:
 - 17 "**(2)**".
 - 18 Page 3, line 19, delete "(g)" and insert "**(e)**".
 - 19 Page 3, line 25, delete "(h)" and insert "**(f)**".
 - 20 Page 3, line 28, after "2005]" insert "**IC 35-45-2-1, as amended by**
 - 21 **this act, and**".
 - 22 Page 3, line 29, delete "applies" and insert "**apply**".
 - 23 Page 3, line 29, delete "an offense" and insert "**offenses**".
 - 24 Renumber all SECTIONS consecutively.
- (Reference is to SB 444 as printed February 4, 2005.)

and when so amended that said bill do pass.

Representative Ulmer